



Minutes of the Planning Committee Meeting

held in the Council Chambers, Civic Centre
Boxshall Street, Brighton
on Wednesday 9 March 2010
at 7pm

PRESENT:

Cr Alex del Porto (Chairperson)
Cr Louise Cooper-Shaw
Cr Felicity Frederico
Cr Clifford Hayes (Mayor)
Cr James Long
Cr Michael Norris
Cr Simon Russell

OFFICERS IN ATTENDANCE:

Angela Meinke	-	Planning Manager
Natalie O'Leary	-	Planning Coordinator
Paul Truong	-	Acting Planning Coordinator
Janice Pouw	-	Governance Officer

APOLOGIES: There were no apologies submitted to this meeting.

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DECLARATIONS OF INTEREST:

- Cr del Porto declared a Direct Conflict of Interest in Item 1.3 on the agenda as Council's discussion on this item may make reference to the Major Activity Centre Overlays that are currently being prepared, and Cr del Porto owns a property in Well Street which is in the Church Street Major Activity Centre, which is part of the Major Activity Centre overlays.
- Cr del Porto declared a Direct Conflict of Interest in Item 1.11 on the agenda given Cr del Porto owns a property in Well Street Brighton.
- Cr Russell declared an Indirect Conflict of Interest by close association on Item 1.13 on the agenda as one of the speakers on this item is a Town Planner who is employed by Cr Russell in his planning application for 184 Bluff Road, Sandringham.
- Cr Frederico declared an Indirect Conflict of Interest by close association on Item 1.14 on the agenda as Cr Frederico has relatives who back on to the subject property and other relatives who have purchased within the development.

Confirmation of the Minutes of the Planning Committee Meeting 9 February 2010**Moved: Cr Long****Seconded: Cr Hayes**

That the Minutes of the Planning Committee Meeting held on 9 February 2010 be confirmed.

CARRIED**REQUESTS TO BE HEARD:**

In accordance with Council's Governance Local Law No.1 clause 68, individuals cannot speak for more than 3 minutes.

Requests to be heard were received from the following people:

Item 1.1 – 11 Wolseley Grove, Brighton

1. Mr Adam Darby
2. Mr Nicholas Wright

Item 1.2 – 1 – 3 Beach Road, Hampton

1. Mr David Robinson
2. Mrs Jennifer Lucas
3. Mr Grant Sabin
4. Mrs Marion Crampton
5. Mr Robert Murray
6. Mr Roger Vial

Item 1.3 – 380 – 386 Bay Street, Brighton

1. Mr Gerald Dorset
3. Mr Stephen Moloney
4. Ms Sophia Rizos
5. Mr B. Brooker
6. Ms Kath Murray
7. Mr Kevin Spencer

Item 1.4 – 2/3 Howell Avenue, Beaumaris

1. Mr David Rodwell
2. Mrs Elizabeth Rodwell
3. Mr David Hassett
4. Mr A Graham Wearne
5. Mrs Caroline Hick

Item 1.5 – 1 – 5 Centre Road, Brighton East

1. Mr Bryan Huntley
2. Mr Simon Martyn

Item 1.6 – 5 Fewster Road, Hampton

1. Mr Daen Ziegler
2. Ms Lorraine Davis
3. Ms Kindilan Ziegler
4. Mr John Lochhead

Item 1.7 – 317 Nepean Highway, Brighton East

1. Mrs Tayissa Georgas
2. Mr George Stenos

Item 1.10 – 78 Iona Street, Black Rock

1. Mr Garry Quinton

Item 1.11 – Section 87A – Application to amend plan

1. Mr Bruce Keen

Item 1.13 – 26 – 27 Beach Road, Beaumaris

1. Mr Richard Umbers

Item 1.14 – 15 Beach Road, Hampton

1. Miss Felicity O'Sullivan

OFFICERS' REPORTS:

1.1 11 WOLSELEY GROVE, BRIGHTON

It is recorded that Mr Adam Darby and Mr Nicholas Wright spoke in relation to this item.

Moved: Cr Frederico

Seconded: Cr Cooper-Shaw

That Council having caused notice of Planning Application No. 2009/0466/1 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 11 Wolseley Grove, Brighton for the construction of two (2) double storey dwellings in accordance with the application dated 17 September 2009, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts three copies of revised plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the application but modified to show to the satisfaction of the Responsible Authority:
 - a) All wall heights above ground level to be nominated on the plans
 - b) All paving (except driveways) to be permeable (Including details of the permeability).
 - c) A schedule of all external materials and finishes to be provided to the buildings and works on the land, showing the materials, colour and finish of all external walls, roof, fascias, window frames and paving (including car park surfacing).
 - d) The proposed landscape treatment for the site including the existing and proposed species in accordance with the requirements of condition 6 of this permit.
 - e) All plant and equipment (including air conditioning units, heating units, hotwater systems, etc.) which is proposed to be located externally identified on the plans.
 - f) Details of all screening to ensure compliance with Clause 55.04-6 Standard B22 Overlooking and Standard B23 Internal Views of the Bayside Planning Scheme.
 - g) The ramp for Unit 1 (11 Wolseley) to be 3.3 metres wide at its intersection with the footpath, with a 2 metre offset from the western property boundary. A new 3.3 metre wide crossing constructed and centred on the driveway. The service power pole must be removed/relocated at the applicant's expense.

1.1 11 WOLSELEY GROVE, BRIGHTON (Continued)

- h) The ramp for Unit 2 (11a Wolseley) to be 3.3 metres wide at its intersection with the footpath, with a 2 metre offset from the eastern property boundary. The existing vehicle crossing removed and a new 3.3 metre wide crossing construction that is centred on the ramp.
- i) All vehicles within the basements are to be able to exit the site within a forward direction.
- j) A longitudinal section of each ramp showing all relevant design levels, grades, transitions and main ramp lengths and headroom clearance. The basement ramps are to be 2 metres long top transition a 9%, a second transition 2 metres long at 17%, a main grade between 20.5 and 25% and a base transition 2 metres long at 12.5%.
- k) The dimensions of the car spaces must be 5.4 metres and 2.6 to 3.0 metres wide depending on whether that abuts a wall/column.
- l) Water sensitive urban design stormwater treatment measures in accordance with Condition 17.
- m) The retention of tree 3 (Liquid Amber) located within the front setback of the site.
- n) The landscape plan to include at least 60% of any new planting to be native planting.

- 2. P4 Layout not altered
- 3. A18 Concealment of pipes.
- 4. A19 Plant and equipment or features on roof.
- 5. A20 Boundary Walls
- 6. L1 Landscape plan required
- 7. L2 Completion of landscaping
- 8. L3 Landscaping maintenance.
- 9. Before development starts all tree protection measures must be in accordance with AS4970- 2009 including trees on adjacent properties (within 3 metres of any common property boundary) must be adhered to before, during and after construction

10. Tree protection fencing requirements during construction

Before the development (including demolition) starts, a tree protection fence must be erected inside the property from the centre of the following trees.

Note: locations are approximate with existing boundary details as no further information has been supplied. Tree numbers as per Landscape plan – Zenith Concepts December 2008.

Tree Name Approximate location	Tree Protection Zone Distances
T3 <i>Liquidambar styraciflua</i> (Liquidambar) adjacent to south boundary	5 metres north and east, existing property boundary south and 4 metres west.

- The fence must be constructed of star pickets and chain mesh or similar to a minimum height of 1.8m.

1.1 11 WOLSELEY GROVE, BRIGHTON (Continued)

- The tree protection fence must remain in place until construction is completed.
 - A 100mm deep layer of mulch must cover the ground surface of the Tree Protection Zone before the development starts.
 - Watering of trees must occur as directed by any written request from Council.
 - No heavy machinery, excavator or similar is to operate in this area.
 - No storage or dumping of tools, equipment or waste is to occur within this area.
11. The proposed internal drainage must be connected to the existing legal point of discharge. The applicant may apply for legal point of discharge and local drain information, if available; otherwise on site verification should be undertaken by the applicant.
 12. Stormwater discharge is to be retained on site to the pre development level of peak stormwater discharge. The development is to have a '*Stormwater Detention System*' installed, the design capacity to be Council approved.
 13. Drainage associated with basement during construction (seepage and agricultural waters are to be filtered to rain water clarity) must be pumped to the nearest Council Drain /Pit and not be discharged to the kerb and channel unless directed otherwise.
 14. Any seepage / agricultural drainage water are to be filtered to rain water clarity and must be pumped to the nearest Council Drain /Pit and not be discharged to the kerb and channel unless directed otherwise.
 15. Before the development begins, detailed plans (3 sets) indicating the method of stormwater discharge to the nominated '*Legal Point of Discharge*' (and Stormwater Detention Systems where applicable), must be lodged with Council's Engineering Services department for approval.
 16. The driveway / parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge neither onto front footpath nor into adjacent properties.
 17. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outlined in Clause 22.10 of the Bayside Planning Scheme and must show:-
 - The type of water sensitive urban design stormwater treatment measures to be used;
 - The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
 - Design details of the water sensitive urban design stormwater treatment measures, including cross sections;

1.1 11 WOLSELEY GROVE, BRIGHTON (Continued)

- These plans must be accompanied by a report from an industry accepted performance measurement tool, which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

The water sensitive urban design stormwater treatment system as shown on the endorsed plan must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.

18. Before the occupation of the site commences or by such later date as is approved in writing by the responsible authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.
19. PT1 Time for starting and completion

Permit Notes

Prior to commencement of any building works, an Asset Protection Application must be taken out. This can be arranged by calling Council's Asset Protection Administrator, Mon-Fri 9.00am-1.00pm on 9599 4444.

- N1 Vehicle Crossing Permit
- N2 Building approval
- N6 Vehicle crossing removal
- N7 Retention of existing street trees/protection during construction
- N8 Sewerage

Construction of any fence/wall/letterbox structures may necessitate removal/damage of some sections of the footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.

A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Bayside City Council Infrastructure Department prior to the commencement of the connection to the kerb/channel.

CARRIED

1.2 1 – 3 BEACH ROAD, HAMPTON

It is recorded that Mr David Robinson, Mrs Jennifer Lucas, Mr Grant Sabin, Mr Robert Murray and Mr Roger Vial spoke in relation to this item. It is further recorded that Mrs Marion Crampton did not pursue her right to speak.

Moved: Cr Frederico

Seconded: Cr Long

That Council having caused notice of Planning Application No. 2009/0587/1 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987, decides to Refuse to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 1-3 Beach Road, Hampton for the variation of an easement (pedestrian footway) in accordance with the application dated 5 November 2009 on the following grounds:-

1. The proposal realignment will result in a loss of vegetation.
2. The proposed realignment location is not suitable.
3. The proposal will result in detriment and impact to the coastal vegetation strip.

The Motion was **PUT** and a **DIVISION** was called.

DIVISION **FOR:** Crs Hayes, Frederico, Norris, Russell, Cooper-Shaw,
Long and del Porto (7)

AGAINST: Nil (0)

CARRIED

1.3. 380 – 386 BAY STREET, BRIGHTON

It is recorded that Cr del Porto declared a Direct Conflict of Interest in Item 1.3 on the agenda as Council's discussion on this item may make reference to the Major Activity Centre Overlays that are currently being prepared, and Cr del Porto owns a property in Well Street which is in the Church Street Major Activity Centre, which is part of the Major Activity Centre overlays.

Cr del Porto vacated the Chamber at 7.44pm.

Moved: Cr Hayes

Seconded: Cr Long

That Cr Long take the Chair for consideration of this item.

CARRIED

It is recorded that Mr Gerald Dorset, Mr Stephen Moloney, Ms Sophia Rizos, Mr B. Brooker, Ms Kath Murray and Mr Kevin Spencer spoke in relation to this item.

Moved: Cr Hayes

Seconded: Cr Norris

- A. That Council having caused notice of Planning Application No 2009/0685/1 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to refuse to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 380 Bay Street, Brighton, for the use and development of the site for a five (5) storey building comprising of a supermarket, specialty shops and residential apartments and associated reduction in car parking in accordance with the application dated 24 December 2009.
1. The proposal does not accord with the Department of Sustainability and Environments Activity Centre Built Form Design Guidelines, in particular:
 - Element 3 – Street Design
 - Element 5 – Building Design
 - Element 6 – Malls and Large Stores
 - Element 7 – Higher Density Housing
 2. The proposal does not accord with the Department of Sustainability and Environments Guidelines for Higher Density Residential Development, in particular:
 - Element 1: Urban Context
 - Element 2 – Building Envelope
 - Element 3 – Street Pattern and Streetscape – Edge Quality
 - Element 5 – Building Layout and Design

1.3. 380 – 386 BAY STREET, BRIGHTON (Continued)

3. The proposal does not respond appropriately to the following objectives of Melbourne 2030:
 - Policy 5.1 which promotes good urban design outcomes that make the environment more liveable and attractive
 - Policy 5.2 which recognises and protects cultural identity, neighbourhood character and sense of place
 - Policy 5.3 which aims to improve community safety and encourage neighbourhood design that makes people feel safe
 - Policy 5.4 which aims to protect heritage places and values
 - Policy 5.5 which promotes excellent neighbourhood design to create attractive, walkable and diverse communities
 4. The proposal does not respond appropriately to the objectives of Bayside Council's Bay Street Activity Centre Structure plan, in particular:
 - Built Form (height and design)
 - Access Plan (laneway widening/connections)
 5. The proposal will present unreasonable height and mass to the activity centre.
 6. The proposal will result in unreasonable detriment to the residential amenity of the neighbours.
 7. The proposal will result in unreasonable traffic conflicts.
 8. The proposal will compromise the safety of pedestrians.
- B: That Council engage external legal representation should an appeal be lodged at the Victorian Civil and Administrative Tribunal.

The Motion was **PUT** and a **DIVISION** was called.

DIVISION **FOR:** Crs Long, Hayes, Frederico, Norris, Russell and
Cooper-Shaw (6)

AGAINST: Nil (0)

CARRIED

It is recorded that Cr del Porto was absent from the Chamber whilst this matter was discussed and was not present in the Chamber whilst the vote was being taken on this item.

Following consideration of Item 1.3, Cr del Porto returned to the Chamber at 8.16pm.

Moved: Cr Hayes

Seconded: Cr Russell

That Cr del Porto resume the Chair for the remainder of the meeting.

CARRIED

1.4. 2/3 HOWELL AVENUE, BEAUMARIS

It is recorded that Mr David Rodwell, Mrs Elizabeth Rodwell, Mr David Hassett, Mr A. Graham Wearne and Mrs Caroline Hick spoke in relation to this item.

Moved: Cr Russell

That Council having caused notice of Planning Application No. 2009/0490/1 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 2/3 Howell Avenue, Beaumaris for alterations and additions including a first floor to an existing dwelling on a lot less than 500 square metres in accordance with the application dated 29 September 2009, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts three copies of revised plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans lodged with the application but modified to show to the satisfaction of the Responsible Authority:
 - a) Screening to be provided to the northern edge of the balcony to be in accordance with the requirements of Clause 54.04-6 Standard A15 of the Bayside Planning Scheme.
2. P4 Layout not altered
3. A18 Concealment of pipes
4. G7 Schedule of materials and colours
5. A19 Plant / Equipment or features on roof
6. A20 Boundary Walls
7. PT1 Time for starting and completion

Permit Notes

- | | |
|-----|---|
| N2 | Building approval |
| N7 | Retention of existing street trees/protection during construction |
| N8 | Sewerage |
| N10 | Asset Protection |

The **Motion** lapsed for want of a seconder.

1.4. 2/3 HOWELL AVENUE, BEAUMARIS (Continued)**Moved: Cr Long****Seconded: Cr Cooper-Shaw**

That Council having caused notice of Planning Application No. 2009/0490/1 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987, decides to Refuse to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 2/3 Howell Avenue, Beaumaris for the alterations and additions including a first floor to an existing dwelling on a lot less than 500 square metres in accordance with the application dated 29 September 2009 on the following grounds:-

1. The proposed first floor addition will result in unreasonable visual bulk to the 'backyardscape' of the adjoining properties.
2. The proposal is not respectful of the site and detracts from the surrounding neighbourhood character.
3. The proposed additions will result in an overdevelopment of the site.

The Motion was **PUT** and a **DIVISION** was called.

DIVISION **FOR:** Crs Hayes, Frederico, Norris, Cooper-Shaw and Long (5)

AGAINST: Crs Russell and del Porto (2)

CARRIED

1.5. 1 – 5 CENTRE ROAD, BRIGHTON EAST

It is recorded that Mr Bryan Huntley and Mr Simon Martyn spoke in relation to this item.

Cr Norris vacated the Chamber at 8.45pm and re-entered at 8.48pm.

Moved: Cr Hayes

That Council having caused notice of Planning Application No. 2009/0654/1 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 1-5 Centre Road, Brighton East for the erection and display of business identification signage in accordance with the application dated 16 December 2009, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts three copies of revised plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the application but modified to show to the satisfaction of the Responsible Authority:
 - a) The signs located on the fences must be reduced in size to a maximum overall area of 1.2 square metres each.
 - b) The bottom of the sign located on the splay at the corner of Centre Road and Hampton Street must be not more than 0.5 metres off the ground.
2. AS1 Signs not to be altered
3. AS2 No flashing light
4. AS3 No sign illumination
5. AS6 Sign maintenance
6. This permit expires 15 years from the date of issue.
7. This permit will expire if the sign is not erected within 2 years of the date of this permit.

The **Motion** lapsed for want of a seconder.

1.5. 1 – 5 CENTRE ROAD, BRIGHTON EAST (Continued)**Moved: Cr Norris****Seconded: Cr Long**

That Council having caused notice of Planning Application No. 2009/0654/1 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 1-5 Centre Road, Brighton East for the erection and display of business identification signage in accordance with the application dated 16 December 2009, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts three copies of revised plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the application but modified to show to the satisfaction of the Responsible Authority:
 - a) Sign 2 located on Centre Road to be deleted; and
 - b) Sign 1 located on the splay to be 2.12 square metres and the base of the sign must not be more than 0.5 metres off the ground.
2. AS1 Signs not to be altered
3. AS2 No flashing light
4. AS3 No sign illumination
5. AS6 Sign maintenance
6. This permit expires 15 years from the date of issue.
7. This permit will expire if the sign is not erected within 2 years of the date of this permit.

CARRIED

1.6 5 FEWSTER ROAD, HAMPTON

Cr Long vacated the Chamber at 9.05pm and re-entered at 9.12pm.

It is recorded that Mr Daen Ziegler, Ms Lorraine Davis, Ms Kindilan Ziegler and Mr John Lochhead spoke in relation to this item.

Moved Cr Cooper-Shaw

Seconded Cr Frederico

That Council having caused notice of Planning Application No. 2009/574/1 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 5 Fewster Road, Beaumaris for the construction of a two (2) storey dwelling with attic in a Design and Development Overlay Schedule 2 and two (2) storey dwelling to the rear with the application dated 6 November 2009 and revised plans received 3 February 2010, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts three copies of revised plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the application but modified to show to the satisfaction of the Responsible Authority:
 - a) The first floor northern wall to Dwelling 1 to be setback 0.75 metres to the south so as to reduce the perception of visual bulk to the adjoining properties.
 - b) The attic roof to the north end of Dwelling 1 to be pitched to the east from a central hip in lieu of forming a gable end to the east boundary so as to reduce the perception of visual bulk to adjoining properties.
 - c) The first floor south wall to Dwelling 2 to be setback 3.8 metres from the northern boundary of No. 7 Fewster Road.
 - d) The turntable and driveway area to the rear of the garage to Dwelling 2 redesigned to ensure safe and efficient movement of vehicles with no overhang onto the landscape area along the western boundary of the site.
 - e) Bollard type lighting or similar must be provided along the accessway between 6 – 8 metres apart to provide sufficient line of sight and safety to residents entering and exiting the site.
 - f) Water sensitive urban design stormwater treatment measures to be provided in accordance with Condition 20 of this permit.
 - g) The vehicle crossover is to have a minimum width of 3.5 metres and a 0.4 metre offset from the properties western boundary so as to not impede vehicle access.
 - h) The proposed landscape treatment for the site including the existing and proposed species in accordance with Condition 10 and the indication of Tree Protection Zones for trees to be retained on site as outlined within Condition 12 of this permit.
2. P4 Layout not altered

1.6 5 FEWSTER ROAD, HAMPTON (Continued)

3. All vehicles parked for Dwelling 1 must not overhang onto the common driveway.
4. Before the development of the site commences or by such a later date as is approved in writing by the responsible authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.
5. A18 Concealment of pipes
6. A19 Plant / Equipment or features on roof
7. A20 Boundary walls
8. CP1 Carpark construction
9. CP7 Vehicular crossing
10. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
 - a) A survey (including botanical names) of all existing vegetation in excess of two metres in height to be retained and or removed.
 - b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
 - c) Details of surface finishes of pathways and driveways. Details should show porosity of surface finish and any footings or sub surfaces.
 - d) A planting schedule of all proposed trees including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - e) All species selected must not be environmental or noxious weeds.
 - f) The landscape plan must also indicate that an in ground irrigation system is to be provided to all landscaped areas.
 - g) The tree protection zone requirements as outlined within Condition 12 must be nominated on the landscape plan.
11. L2 Completion of landscaping
12. Before the development (including demolition) starts, a tree protection fence must be erected inside the property from the centre of the following trees.

Note: locations are approximate with existing boundary details as no further information has been supplied. Tree numbers as per Arborist Referral

Tree No & Name	Tree Protection Zone Distances
T1 Eucalyptus leucoxylon (Yellow Gum)	4.6 metres

No excavation or soil compaction is to occur within the tree protection zone with sympathetic construction techniques such as pier and beam footings or a cantilevered slab that bridges over the root system to ensure adequate tree protection during construction.

1.6 5 FEWSTER ROAD, HAMPTON (Continued)

The tree protection fence must be constructed of star pickets and chain mesh or similar to a minimum height of 1.8m.

The tree protection fence must remain in place until construction is completed.

A 100mm deep layer of mulch must cover the ground surface of the Tree Protection Zone before the development starts.

Watering of trees must occur as directed by any written request from Council.

13. T9 Retention of existing street trees
14. T10 Retention of existing trees
15. The proposed internal drainage should be connected to the existing legal point of discharge. The applicant may apply point of discharge and local drain information, if available, otherwise on site verification should be undertaken by the applicant.
16. Stormwater discharge is to be retained on site to the pre development level of peak stormwater discharge. The development is to have a Stormwater Detention System installed, the design capacity to be Council approved.
17. Any seepage / agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain /Pit and not be discharged to the kerb and channel unless directed otherwise.
18. E4 Stormwater plans
19. E5 Graded and drained discharge
20. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be appropriate by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must in accordance with the guidelines outlined in Clause 22.10 of the Bayside Planning Scheme and must show: -
 - a) The type of water sensitive urban design stormwater treatment measures to be used;
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
 - c) Design details of the water sensitive urban design stormwater treatments, including cross sections.

These plans must be accompanied by a report from an industry accepted performance measurement tool, which details the treatment performance achieved and demonstrate the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

The water sensitive urban design stormwater treatment system as shown on the endorsed plan must be retained and maintained at all times in accordance with the Urban Stormwater – Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
21. PT1 Time for starting and completion.

1.6 5 FEWSTER ROAD, HAMPTON (Continued)Permit Notes

- N1 Crossover permit
- N2 Building approval
- N6 Vehicle crossing removal
- N8 Sewerage
- N10 Asset Protection

LOST**Moved: Cr Hayes****Seconded: Cr Long**

That Council having caused notice of Planning Application No. 2009/574/1 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987, decides to Refuse an Application to Amend a Planning Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 5 Fewster Road, Hampton for the construction of a two (2) storey dwelling with attic in a Design and Development Overlay Schedule 2 and a two (2) storey dwelling to the rear in accordance with the application dated 6 November 2009 and revised plans dated 3 February 2010 on the following grounds:-

1. The proposal does not respect the existing or preferred future neighbourhood character of the area as stated within Clause 22.07 – Neighbourhood Character and Standard B1, Clause 55 of the Bayside Planning Scheme.
2. The proposal does not meet the objectives of the Design and Development Overlay Schedule 2 of the Bayside Planning Scheme.
3. The proposal does not comply with side setback requirements of Standard B17, Clause 55 of the Bayside Planning Scheme - Schedule to the Residential 1 Zone.
4. The proposal will result in unreasonable visual bulk when viewed from adjoining properties.
5. The proposed car parking arrangement for Dwelling 1 is impractical.
6. The proposed development will impact upon the health of the mature Yellow Gum located towards the western boundary of the subject site.
7. The secluded private open space of dwelling 1 provides insufficient amenity for future occupants.

The Motion was **PUT** and a **DIVISION** was called.

DIVISION **FOR:** Crs Hayes, Norris, Long and del Porto (4)

AGAINST: Crs Frederico, Russell and Cooper-Shaw (3)

CARRIED

1.7 317 NEPEAN HIGHWAY BRIGHTON EAST

It is recorded that Mrs Tayissa Georgas and Mr George Stenos spoke in relation to this item.

Moved: Cr Hayes

Seconded: Cr Long

That Council having caused notice of Planning Application No. 2009/430/1 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987, decides to Refuse to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 317 Nepean Highway, Brighton East for the construction of one (1) double storey dwelling on a lot less than 500sqm in accordance with the application dated 2 September 2009 and the revised plans received 1 February 2010 on the following grounds:-

1. The development is not adequately site responsive and does not respect the preferred neighbourhood character in accordance with Clause 22.07 and Standard A1, Clause 54 of the Bayside Planning Scheme.
2. The proposal will have a significant impact upon the amenity and 'backyardscapes' of the adjoining properties through the appearance of excessive visual bulk and building mass to the rear.
3. The proposal would have an unreasonable overshadowing impact to adjoining properties and does not comply with Standard A14, Clause 54 of the Bayside Planning Scheme.
4. The proposed side setbacks are inadequate and do not comply with Standard A10, Clause 54 of the Bayside Planning Scheme - Schedule to the Residential 1 Zone.

LOST

Moved: Cr Cooper-Shaw

Seconded: Cr Frederico

That Council having caused notice of Planning Application No. 2009/0430/1 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 317 Nepean Highway Brighton East for the construction of a double storey dwelling on a lot less than 500 sqm in accordance with the revised plans received 1 February 2010, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the revised plans received 1 February 2010 but modified to show:

1.7 317 NEPEAN HIGHWAY BRIGHTON EAST (Continued)

- a) Height of the rear part of the dwelling (taken from the rear wall of the main bedroom) reduced to a maximum height of 6.2 metres above natural ground level.
 - b) First floor southern wall setback be increased to a minimum setback of 3 metres.
 - c) First floor northern wall expressed joint cladding be replaced with brick or similar typical domestic material.
 - d) Northern on-boundary wall where exposed to 315 Nepean Highway reduced to an average height of 3 metres with no part greater than 3.2 metres.
 - e) Southern on-boundary wall at the rear to have an average height of 3 metres and notated on plans.
 - f) First floor east-facing window of the rearmost bedroom to be screened in accordance with Standard B22 of Clause 54 of the Bayside Planning Scheme.
 - g) Schedule of external materials, finishes and colours (incorporating paint samples).
 - h) Tree protection measures for the Lilly-Pilly on the adjoining property to the south must be shown in accordance with Condition 8. Landscape plan must be submitted in accordance with Condition 5 of the permit.
 - i) Water sensitive urban design stormwater treatment measures submitted in accordance with Condition 13 of the permit.
 - j) Existing crossover must be reinstated to have a width of 3.3m and located 600mm from the southern boundary.
2. P4 Layout not altered
 3. A19 Plant/equipment or features on roof
 4. A20 Boundary walls
 5. L1 Landscape plan required
 6. L2 Completion of landscaping
 7. L3 Landscaping maintenance
8. Before the development starts, plans must be submitted showing the rear living room to have footings constructed with an appropriate construction technique that protects the existing Lilly-Pilly on the adjoining property to the south, and the following measures undertaken to the satisfaction of the Responsible Authority:
 - a) Any excavation within must be done by hand and in the presence of a Qualified Arborist.
 - b) Any roots encountered must be cut cleanly with a sharp implement.
 - c) Roots greater than 50mm must not be cut.

1.7 317 NEPEAN HIGHWAY BRIGHTON EAST (Continued)

9. E1 Drainage plans
10. E2 Stormwater discharge
11. E3 Kerb & channel
12. E4 Stormwater plans
13. Before the commencement of works, detailed plans to the satisfaction of the responsible authority must be submitted to and be approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outlined in clause 22.10 of the bayside planing scheme and must show:-
 - a) The type of water sensitive urban design stormwater treatment measures to be used;
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections;

These plans must be accompanied by a report from an industry accepted performance measurement tool, which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

The water sensitive urban design stormwater treatment system as shown on the endorsed plan must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
14. Before the occupation of the site commences or by such later date as is approved in writing by the responsible authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.
15. Pt1 Time for starting and completion

Permit Notes

- N2 Building approval
- N8 Sewerage
- N10 Asset Protection

CARRIED

1.8 23 MILLS STREET, HAMPTON**Moved: Cr Frederico****Seconded: Cr Cooper-Shaw**

That Council having considered the amending plans proposed to be substituted at VCAT hearing P2009/3057 in respect of Council's refusal of Application 2009/0264/1 for two (2) double storey dwellings at 23 Mills Street, Hampton:

1. Advises the Tribunal that the substitute plans have only addressed one of Council's concerns, relating to overlooking, and that Council still opposes the development, as only one ground of refusal for the original application has been adequately resolved.
2. Acknowledge that its grounds of refusal as relating to overlooking has been addressed, but continue to rely on all other grounds of refusal.
3. Notify all parties to the appeal and VCAT accordingly.

CARRIED

1.9 1/21 FIRST STREET, BLACK ROCK

Moved: Cr Norris

Seconded: Cr Russell

That Council having caused notice of Planning Application No. 2009/0470 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 1/21 First Street, Black Rock, for the Alterations and additions including a second storey to an existing dwelling on a lot less than 500 square metres in accordance with the application dated 18 September 2009, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) The window of Bedroom 3 located on the east elevation to be suitably screened to meet the overlooking objective in accordance with Clause 54.04-6.
 - b) A screen along the entire length of the western elevation of the first floor terrace to a minimum height of 1.7 metres when measured from the floor level.
 - c) All paving (except driveways) to be permeable. Details of the permeability of the paving must be supplied to the satisfaction of the Responsible Authority.
 - d) A schedule of all external materials and finishes to be provided to the buildings and works on the land. The schedule shall show the materials, colour (including two colour samples) and finish of all external walls, roof, fascias, window frames and paving.
 - e) The proposed landscape treatment for the site including the existing and proposed species.
 - f) All plant and equipment (including air conditioning units, heating units, hotwater systems, etc.) which is proposed to be located externally shall be identified on the plans and located to the satisfaction of the Responsible Authority.
 - g) A report detailing the on-site stormwater treatment in accordance with Condition 8.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the responsible authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.

1.9 1/21 FIRST STREET, BLACK ROCK (Continued)

4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building without the written consent of the Responsible Authority.
5. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
6. The existing street tree/s must not be removed or damaged.
7. Before the development begins, three sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged with Council's Engineering Services department for approval.

Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outlined in Clause 22.10 of the Bayside Planning Scheme and must show:-

- a) The type of water sensitive urban design stormwater treatment measures to be used;
- b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
- c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections;

These plans must be accompanied by a report from an industry accepted performance measurement tool, which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

The water sensitive urban design stormwater treatment system as shown on the endorsed plan must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.

8. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

Permit Notes

- | | |
|----|------------------------------------|
| N2 | Building approval |
| N7 | Retention of existing street trees |

CARRIED

1.10 78 IONA STREET, BLACK ROCK

It is recorded that Mr Garry Quinton spoke in relation to this item.

Moved: Cr Russell

Seconded: Cr Frederico

That Council having caused notice of Application to Amend Planning Permit No. 2007/590/4 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Amend a Permit under the provisions of the Bayside Planning Scheme and Section 72 of the Planning and Environment Act 1987 in respect of the land known and described as 78 Iona Street, Black Rock in accordance with the application dated 20 January 2010 and the following table be added to the permit:-

Date	Amendment
9 March 2010	Amendment under Section 72 of the Planning and Environment Act 1987: Construction of an aluminium slatted fence extension on posts along the west boundary for a length of 15.75 metres and a total height not exceeding 3 metres in accordance with the endorsed plans.

AMENDMENT

Moved: Cr Norris

That Council having caused notice of Application to Amend Planning Permit No. 2007/590/4 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Amend a Permit under the provisions of the Bayside Planning Scheme and Section 72 of the Planning and Environment Act 1987 in respect of the land known and described as 78 Iona Street, Black Rock in accordance with the application dated 20 January 2010 and the following table be added to the permit:-

Date	Amendment
9 March 2010	Amendment under Section 72 of the Planning and Environment Act 1987: Construction of an aluminium slatted fence extension on posts along the west boundary for a length of 15.75 metres and a total height not exceeding 2.4 metres in accordance with the endorsed plans.

The **Amendment** lapsed for want of a seconder.

The **Original Motion** became the **Motion** before the Chair.

CARRIED

1.11 15 WELL STREET, BRIGHTON

It is recorded that Cr del Porto declared a Direct Conflict of Interest in Item 1.11 on the agenda given Cr del Porto owns a property in Well Street Brighton.

Cr del Porto vacated the Chamber at 9.56pm.

Moved: Cr Long

Seconded: Cr Russell

That Cr Hayes take the Chair for consideration of this item.

CARRIED

It is recorded that Mr Bruce Keen spoke in relation to this item.

Moved: Cr Norris

Seconded: Cr Frederico

That Council having considered the Application to Amend the Permit under Section 87A of the Planning & Environment Act 1987 advises the Victorian Civil and Administrative Tribunal of its support of the proposed internal and external alterations (as shown on plans stamp dated 3 March 2010) to Planning Permit 2007/537/1 issued for the development of a three storey building containing ten (10) apartments and basement car parking at 15 Well Street, Brighton.

CARRIED

It is recorded that Cr del Porto was absent from the Chamber whilst this matter was discussed and was not present in the Chamber whilst the vote was being taken on this item.

Following consideration of Item 1.11, Cr del Porto returned to the Chamber at 10.02pm.

Moved: Cr Russell

Seconded: Cr Long

That Cr del Porto take the Chair for the remainder of the meeting.

CARRIED

1.12 16 AND 16A CORONET GROVE, BEAUMARIS

Moved: Cr Russell

Seconded: Cr Cooper-Shaw

That the amended landscape plan be approved by Council under the Secondary Consent provisions of Planning Permit No. 2003/864/1 issued for the construction of two (2) double storey attached dwellings with basement garages in a Vegetation Protection Overlay Schedule 3, at 16 Coronet Grove, Beaumaris, and the following table be added to the permit.

Date	Amendment
9 March 2010	Secondary Consent to Amend Plans: 1. Amended landscape plan showing different planting layout and species.

CARRIED

1.13 26 – 27 BEACH ROAD, BEAUMARIS

It is recorded that Cr Russell declared an Indirect Conflict of Interest by close association in Item 1.13 on the agenda as one of the speakers on this item is a Town Planner who is employed by Cr Russell in his planning application for 184 Bluff Road, Sandringham.

Cr Russell vacated the Chamber at 10.04pm and did not return for the remainder of the meeting.

It is recorded that Mr Richard Umbers spoke in relation to this item.

Moved: Cr Norris

Seconded: Cr Frederico

That Council having considered the Application to Amend the Permit under Section 87A of the Planning & Environment Act 1987 advises the Victorian Civil and Administrative Tribunal as follows in respect to the proposed changes to the planning permit preamble to Planning Permit 2001/6581/1 issued for construction of four (4) storey dwellings in accordance with the application dated 4 February 2010 but amended as follows:

1. That Council wishes to proceed to a formal hearing to resolve all outstanding matters.
2. That in relation to the changes sought by the applicant in the Section 87(A) application to VCAT (on 17/03/09) Council:
 - a) Does not support the Applicants proposed wording of the permit preamble but does support the rewording of the Permit Preamble to read: "Alterations and additions to the existing double storey dwelling and the construction of two (2) double storey dwellings including basements and roof decks in a Design and Development Overlay Schedule 1 and Vegetation Protection Overlay Schedule 3."
 - b) Supports the alterations and addition to the existing dwelling, which is being retained.
 - c) Does not support the proposed construction of a roof deck, which in it's current form is prohibited, and advise VCAT that a roof deck can only be supported by Council if a condition is included requiring it to comply with the Design and Development Overlay Schedule 1.
 - d) Recommends that the construction of the double garage on the west and north boundary be advertised to affected neighbours, and that subject to their comments Council has no objection to the proposed changes.

CARRIED

It is recorded that Cr Russell was absent from the Chamber whilst this matter was discussed and was not present in the Chamber whilst the vote was being taken on this item.

1.14 15 BEACH ROAD, HAMPTON

It is recorded that Cr Frederico declared an Indirect Conflict of Interest by close association on Item 1.14 on the agenda as Cr Frederico has relatives who back on to the subject property and other relatives who have purchased within the development.

Cr Frederico vacated the Chamber at 10.10pm and did not return for the remainder of the meeting.

It is recorded that Miss Felicity O'Sullivan spoke in relation to this item.

Moved: Cr Cooper-Shaw

Seconded: Cr Long

That Council having considered the Application to Amend the Permit under Section 87A of the Planning & Environment Act 1987 advises the Victorian and Civil Administrative Tribunal of its support of the proposed modifications, in accordance with the application dated 5 February 2010, subject to the retention of all the planning permit conditions and previously approved amendments as noted on Planning Permit No 2005/0875/1 for 15 Beach Road, Hampton.

CARRIED

It is recorded that Cr Frederico was absent from the Chamber whilst this matter was discussed and was not present in the Chamber whilst the vote was being taken on this item.

The Chairperson declared the meeting closed at 10.11pm.